1	SECTION 172. 253.10 (3) (c) 7. of the statutes is amended to read:
2	253.10 (3) (c) 7. If the woman considering an abortion is a minor, unless s.
3	48.375 (4) (a) 2. applies, the requirements to provide information to the woman under
4	subds. 1. to 6. apply to also to require provision of the information to the individual
5	whose consent is also required under s. 48.375 (4) (a) 1. If the woman considering
6	an abortion has been adjudicated is an individual adjudicated incompetent under ch
7	880 in this state, the requirements to provide information to the woman under subds.
8	1. to 6. apply to also require provision of the information to the person appointed as
9	the woman's guardian.
10	Section 173. 343.06 (1) (L) of the statutes is created to read:
11	343.06 (1) (L) To any person who has been declared incompetent under s. 54.25
12	(2) (c) 1. d. to apply for an operator's license.
13	Section 174. 343.31 (title) of the statutes is amended to read:
14	343.31 (title) Revocation or suspension of licenses after certain
15	convictions or declarations.
16	Section 175. 343.31 (2x) of the statutes is created to read:
17	343.31 (2x) The department shall suspend a person's operating privilege upon
18	receiving a record of a declaration under s. 54.25 (2) (c) 1. d. that the person is
19	incompetent to apply for an operator's license. The department may reinstate the
20	person's operator's license upon receiving a record of a declaration that the person
21	is no longer incompetent to apply for an operator's license under s. $54.25(2)(c)1.$ d.,
22	if the person is otherwise qualified under this chapter to obtain an operator's license.
23	SECTION 176. 343.31 (3) (a) of the statutes is amended to read:

343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m) or, (2s), or (2x), all revocations or suspensions under this section shall be for a period of one year.

SECTION 177. 403.308 (1) of the statutes is amended to read:

403.308 (1) In an action with respect to an instrument, the authenticity of, and authority to make, each signature on the instrument is admitted unless specifically denied in the pleadings. If the validity of a signature is denied in the pleadings, the burden of establishing validity is on the person claiming validity, but the signature is presumed to be authentic and authorized unless the action is to enforce the liability of the purported signer and the signer is dead or adjudicated incompetent at the time of trial of the issue of validity of the signature. If an action to enforce the instrument is brought against a person as the undisclosed principal of a person who signed the instrument as a party to the instrument, the plaintiff has the burden of establishing that the defendant is liable on the instrument as a represented person under s. 403.402 (1).

Section 178. 440.121 of the statutes is created to read:

440.121 Credential denial, nonrenewal, and revocation based on incompetency. Notwithstanding any other provision of chs. 440 to 480 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential issued to an individual for whom the department receives a record of a declaration under s. 54.25 (2) (c) 1. d. stating that the individual is incompetent to apply for a credential under chs. 440 to 480.

Section 179. 565.30 (2) of the statutes is amended to read:

565.30 (2) Payment of Prizes to Minors. If the prize for a winning lottery ticket or lottery share given to a minor is less than \$1,000, the administrator may make payment of the prize by delivering to an adult member of the minor's family, or to the minor's guardian, a check or draft payable to the minor. If the prize is \$1,000 or more, the administrator shall make payment to the minor by paying or delivering the money to a broker or financial institution under s. 880.65 54.870 (1) (b).

Section 180. 609.65 (1) (intro.) of the statutes is amended to read:

609.65 (1) (intro.) If an enrollee of a limited service health organization, preferred provider plan, or defined network plan is examined, evaluated, or treated for a nervous or mental disorder pursuant to a court order under s. 880.33 (4m) or (4r), 2003, stats., an emergency detention under s. 51.15, a commitment or a court order under s. 51.20 or 880.33 (4m) or (4r), an order for protective placement or protective services under ch. 55, an order under s. 55.14 or 55.19 (3) (e), or an order under ch. 980, then, notwithstanding the limitations regarding participating providers, primary providers, and referrals under ss. 609.01 (2) to (4) and 609.05 (3), the limited service health organization, preferred provider plan, or defined network plan shall do all of the following:

SECTION 181. 628.10 (1) of the statutes is amended to read:

628.10 (1) GENERAL. An intermediary's license issued under s. 628.04 remains in force until it is revoked or limited under sub. (2), until it is suspended under sub. (2) or s. 227.51 (3), until it is surrendered or until the licensee dies or is in this state adjudicated incompetent as defined in s. 880.01 (4).

Section 182. 705.04 (2) of the statutes is amended to read:

705.04 (2) If the account is a P.O.D. account, on the death of the original payee or the survivor of 2 or more original payees, any sums remaining on deposit belong

to the P.O.D. beneficiaries if surviving, or to the survivor of them if one or more die before the original payee. Payment may be made to a minor P.O.D. beneficiary, however, only in accordance with a procedure approved in ch. 880 <u>54</u>. If 2 or more P.O.D. beneficiaries survive, they shall be entitled to payment of the sums on deposit in accordance with such written instructions as may have been filed with the financial institution, and if none, to payment in equal shares. There is no right of survivorship in the event of the death of one of 2 or more P.O.D. beneficiaries after their entitlement to payment has matured unless the terms of the account expressly provide for survivorship or for the account's continuance as a joint account.

SECTION 183. 706.03 (4) of the statutes is amended to read:

706.03 (4) A conveyance by a minor or an individual adjudicated incompetent in this state is effective only if executed by an authorized guardian on behalf of such the minor or individual adjudicated incompetent. In the case of a limited incompetency, such This restriction does not apply if an individual has been determined competent to make contracts under s. 880.33 (3) the individual's adjudication of incompetency permits him or her to contract.

Section 184. 706.09 (1) (f) of the statutes is amended to read:

706.09 (1) (f) Lack of authority of officers, agents or fiduciaries. Any defect or insufficiency in authorization of any purported officer, partner, manager, agent, or fiduciary to act in the name or on behalf of any corporation, partnership, limited liability company, principal, trust, estate, minor, individual adjudicated incompetent, or other holder of an interest in real estate purported to be conveyed in a representative capacity, after the conveyance has appeared of record for 5 years.

Section 185. 753.30 (1) of the statutes is amended to read:

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753.30 (1) The clerk of circuit court shall keep the books and records under s. 59.40 (2) (a) to (i) and ch. 799 and perform the duties under s. 59.40 (2) (j) to (q) for all matters in the circuit court except those under chs. 48, 54, and 851 to 880 879. In counties having only one circuit judge, the circuit judge, with the approval of the chief judge of the judicial administrative district, may appoint the clerk of court register in probate. The appointments are revocable at the pleasure of the circuit judge. Appointments and revocations shall be in writing and shall be filed in the office of the register in probate. If appointed for this purpose, the clerk has the powers and duties of registers in probate. In prosecutions of ordinance violations in the circuit court in counties having a population of 500,000 or more, an assistant chief deputy clerk appointed under sub. (3) (a), or one of his or her deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint be made. The defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provisions of law notwithstanding.

SECTION 186. 757.48 (1) (a) of the statutes is amended to read:

757.48 (1) (a) Except as provided in s. 879.23 (4), in all matters in which a guardian ad litem is appointed by the court, the guardian ad litem shall be an attorney admitted to practice in this state. In order to be appointed as a guardian ad litem under s. 767.045, an attorney shall have completed 3 hours of approved continuing legal education that relates to the functions and duties of a guardian ad litem under ch. 767 and that includes training on the dynamics of domestic violence and the effects of domestic violence on victims of domestic violence and on children.

In order to be appointed as a guardian ad litem under s. 54.40 (1), an attorney shall have complied with SRC chapter 36.

Section 187. 757.48 (3) of the statutes is amended to read:

757.48 (3) No guardian ad litem may be permitted to receive any money or property assets or income of his or her ward, nor may any bond be required of a guardian ad litem, but all money or property of his or her assets or income of the ward may be paid or delivered to a general guardian of his or her property the ward's guardian of the estate, subject to the exceptions of s. 880.04 54.12.

SECTION 188. 757.69 (1) (h) of the statutes is amended to read:

757.69 (1) (h) Hear petitions for commitment and conduct probable cause hearings under ss. 51.20, 51.45 and 55.06 (11), conduct reviews of guardianships under ch. 54 and reviews of protective placements and protective services under chs. ch. 55 and 880, advise a person alleged to be mentally ill of his or her rights under the United States and Wisconsin constitutions, and, if the person claims or appears to be unable to afford counsel, refer the person to the authority for indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer that child to the state public defender, who shall appoint counsel for the child without a determination of indigency, as provided in s. 48.23 (4).

SECTION 189. 758.19 (6) (a) of the statutes is amended to read:

758.19 (6) (a) In this subsection, "guardian ad litem costs" means the costs of guardian ad litem compensation that a county incurs under ch. 48, 54, 55, 767, 880 or 938 or ch. 880, 2003 stats., that the county has final legal responsibility to pay, or that the county is unable to recover from another person and that does not exceed the per hour rate established for time spent in court by private attorneys under s. 977.08 (4m) (b).

Section 190. 758.19 (6) (d) 1. of the statutes is amended to read:

758.19 (6) (d) 1. The total cost of guardian ad litem compensation that the county incurred under chs. 48, 54, 55, 767, 880 and 938 and ch. 880, 2003 stats., in the previous calendar year.

SECTION 191. 758.19 (6) (d) 2. of the statutes is amended to read:

758.19 (**6**) (d) 2. The total guardian ad litem compensation that the county initially paid under chs. 48, <u>54</u>, 55, 767, <u>880</u> and <u>938</u> and ch. <u>880</u>, <u>2003</u> stats., and that was recovered in the previous calendar year by the county from another responsible person.

Section 192. 765.11 (1) of the statutes is amended to read:

765.11 (1) If any parent, grandparent, child, or natural guardian of a minor applicant for a marriage license, any brother, sister, or guardian of either of the applicants for a marriage license, either of the applicants, the district attorney, or a circuit court commissioner believes that the statements of the application are false or insufficient, or that the applicants or either of them are an applicant is adjudicated incompetent without the right to marry, that person may file with the court having probate jurisdiction in the county in which the marriage license is applied for, a petition under oath, setting forth the grounds of objection to the marriage, and asking for an order requiring the parties making such the application to show cause why the marriage license should not be refused. Whereupon, the court, if satisfied that the grounds of objection are prima facie valid, shall issue an order to show cause as aforesaid, returnable as the court directs, but not more than 14 days after the date of the order, which shall be served forthwith upon the applicants for the marriage license residing in the state, and upon the clerk before whom the application has been made, and shall operate as a stay upon the issuance of the marriage license until

further ordered; if either or both of the applicants are nonresidents of the state the order shall be served forthwith immediately upon the nonresident by publication of a class 1 notice, under ch. 985, in the county wherein in which the application is pending, and by mailing a copy thereof to the nonresident at the address contained in the application.

Section 193. 766.51 (7) of the statutes is amended to read:

766.51 (7) A court may appoint a conservator or guardian under ch. 880 54 to exercise a disabled spouse's right to manage and control marital property.

SECTION 194. 767.29 (3) (a) of the statutes is amended to read:

767.29 (3) (a) If maintenance payments or support money, or both, is ordered to be paid for the benefit of any person, individual who is committed by court order to an institution or is in confinement, or whose legal custody is vested by court order under ch. 48 or 938 in an agency, department or, relative, or other entity, the court or a circuit court commissioner may order such the maintenance payments or support money to be paid to the relative or, agency, institution, welfare department, or other entity having the legal or actual custody of said person the individual, and to be used for the latter's care and maintenance, without the appointment of a guardian under ch. 880 in this state.

SECTION 195. 786.01 of the statutes is amended to read:

786.01 Conveyance of lands held in trust by persons under disability. Whenever any minor or person individual adjudicated incompetent to manage his or her affairs is seized or possessed of any lands or interest in any lands by way of mortgage or in trust only for others, the circuit court of the proper county may, upon the petition of the guardian of the minor or individual adjudicated incompetent person or of any person in any way interested in the real estate, make an order

authorizing or compelling the minor or <u>individual adjudicated</u> incompetent person to convey and assure the lands or interest in the lands to any person entitled thereto, in such manner as the court directs.

Section 196. 786.02 of the statutes is amended to read:

786.02 Specific performance of incompetent's contract of individual adjudicated incompetent. A circuit court may authorize or compel the specific performance of any contract made by any person who becomes individual who is adjudicated incompetent before the performance thereof of the contract, on the complaint or petition of the guardian of the individual adjudicated incompetent person or of any other person interested in the contract.

Section 197. 786.03 of the statutes is amended to read:

786.03 Specific performance; order; appeal. No order authorizing or directing any such conveyance or the performance of any such contract shall be made until after hearing the parties and being satisfied that such conveyance ought to be made or such contract ought to be performed. The court may, by such order, direct the guardian of such individual adjudicated incompetent person, or a special guardian appointed in such proceeding, to do any act which is necessary to carry such order into effect. The court may further direct that the reasonable expenses of the proceedings be paid out of the proceeds of the sale. No appeal shall lie from such order unless notice of intention to appeal shall be filed with the court within 10 days after date of the order. The court may enforce such order by any proper proceedings.

SECTION 198. 786.04 of the statutes is amended to read:

786.04 Specific performance; conveyance; warranties. The court may require the guardian to convey the real estate which such <u>individual adjudicated</u> incompetent person might or ought to have conveyed if still competent. Where such

incompetent person individual contracted before incompetency to convey real estate by warranty deed, the guardian shall convey by warranty deed subject to any exceptions set forth in the incompetent's individual's contract to convey. The guardian shall not be personally liable because of any breach of such warranty, but such warranty deed shall have the same effect for all purposes as if the individual adjudicated incompetent had executed it at such time while competent. This section is applicable where an individual adjudicated incompetent before incompetency made an assignment of a contract to convey real estate but did not deed to the assignee the title to the premises covered by the contract.

Section 199. 786.05 of the statutes is amended to read:

786.05 Specific performance; recording order; effect. A certified copy of such judgment directing such conveyance, which is recorded in the office of the register of deeds in the county where the lands lie, shall be prima facie evidence of the correctness of the proceedings and of the authority of the guardian to convey. Every such conveyance shall be as effectual in passing the estate as if the <u>individual adjudicated</u> incompetent were then competent and executed the conveyance.

Section 200. 786.06 (intro.) of the statutes is amended to read:

786.06 Realty of wards; grounds for mortgage, sale, lease. (intro.) Any real estate, or interest therein belonging to a minor or to <u>a person an individual adjudicated</u> incompetent to manage personal affairs may be sold, mortgaged or leased:

Section 201. 786.06 (1) of the statutes is amended to read:

786.06 (1) When the personal property and the income of the real estate of such minor or <u>individual adjudicated</u> incompetent person are together insufficient for the

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payment of his or her debts or for the maintenance and education of himself or herself and family;

Section 202. 786.06 (2) of the statutes is amended to read:

786.06 (2) When the interests of such minor or <u>individual adjudicated</u> incompetent person require or will be substantially promoted by such disposition on account of such real estate or interest therein being exposed to waste or dilapidation, or being unproductive, or for other peculiar reasons or circumstances.

Section 203. 786.07 of the statutes is amended to read:

Realty of wards or incompetents individuals adjudicated incompetent; application for sale or encumbrance. The application for the disposition must be made to the circuit court of the county in which the real estate or some part thereof is situated or to the circuit court of the county in which the general guardian for the minor or individual adjudicated incompetent person has been appointed, by petition of the general guardian of the minor or of the incompetent person individual or by any relative or other person in behalf of either. The petition must be verified and must set forth the facts which would authorize the selling, mortgaging or leasing of the real estate or some part of the real estate for one or more of the reasons set forth in s. 786.06. If the real estate sold or some part of the real estate is situated in a county other than that in which the proceeding is taken, a certified copy of the order confirming the sale containing the name of the purchaser, the selling price and a description of the property sold shall be recorded in the office of the register of deeds of the county in which the real estate or any part of the real estate is situated. When the minor or individual adjudicated incompetent person has a general guardian and the application is to any court other than the court in which the general guardian was appointed, notice of hearing of the application shall be

given by mailing a copy of the notice to the judge of the court that appointed the general guardian, and also to the general guardian, unless he or she is the petitioner, at least 10 days before the date of the hearing.

Section 204. 786.08 (1) (a) of the statutes is amended to read:

786.08 (1) (a) When the application is made on behalf of a minor or <u>individual</u> adjudicated incompetent, who has no general guardian, the court shall appoint some suitable person special guardian of the minor or <u>incompetent individual</u> in the proceeding; the special guardian shall give a bond to the judge of the court, to be filed with the clerk of the circuit court, in such sum, with such sureties, and in such form as the circuit court or judge directs, conditioned for the faithful performance of the trust reposed, for paying over, investing or accounting for all moneys that shall be received by the guardian, according to law and for observance of the directions of the court in relation to the trust.

Section 205. 786.08 (1) (b) of the statutes is amended to read:

786.08 (1) (b) When the minor shall have a general guardian, such general the guardian may be appointed special guardian in said matter; or, such general the guardian, as such, may be authorized and empowered to act in and conduct such proceedings in the same manner, and with the same provisions as to an additional general guardian's bond, as is provided in said proceedings for the conduct thereof by the general guardian of individuals adjudicated incompetent persons.

Section 206. 786.08 (2) of the statutes is amended to read:

786.08 (2) When the application is made on behalf of an <u>individual adjudicated</u> incompetent <u>person</u>, the guardian of the <u>incompetent person individual</u> shall, in the discretion of the court, give a bond to the judge of the court to be filed with the clerk of the circuit court, in such sum, additional to the guardian's original bond, as the

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court deems necessary, with such sureties and such conditions for the faithful performance of trust reposed as prescribed by this section.

SECTION 207. 786.10 of the statutes is amended to read:

786.10 Order for lease, mortgage, sale. If, after an examination of the matter by the court or judge to which application is made, without a reference, or on the coming in of the report of the referee, and on examination of the matter, it shall satisfactorily appear that a disposition of any part of the real estate of such minor or individual adjudicated incompetent person or any interest therein is necessary and proper, for any of the causes mentioned in s. 786.06 such court or judge shall make an order directing and authorizing the guardian to contract for the leasing, mortgaging, or sale of such real estate or interest therein or of such part thereof as the court or judge shall deem proper in such manner and with such restrictions as shall be deemed expedient.

Section 208. 786.13 of the statutes is amended to read:

786.13 Platting realty of wards before sale. Whenever an order shall have been made for the sale of any such real estate and it shall be made to appear to the court or judge that the interest of the minor or other ward would be promoted by platting such real estate the court or judge may, by order, authorize the guardian either alone or together with the cotenants, if any, or other owners, to make and acknowledge a plat of such real estate in the manner prescribed in ch. 236. A plat made pursuant to such order, certified and acknowledged in manner and form prescribed in ch. 236 and approved by the court or presiding judge, shall be as valid and effectual as if made by such the minor when of full age or by such incompetent person—when of sound memory and understanding the individual adjudicated incompetent before the adjudication. After such plat shall have been duly made and

recorded such guardians may make separate sales of any lot or lots, according to such plat, or of such ward's interest therein in the manner above prescribed.

SECTION 209. 786.14 of the statutes is amended to read:

786.14 Realty of wards; will or conveyance not disregarded. No real estate or interest therein shall be sold, mortgaged or leased under the provisions of this chapter contrary to the provisions of any will by which the same was devised or of any conveyance by which the same was transferred to such the minor or individual adjudicated incompetent person.

Section 210. 786.15 of the statutes is amended to read:

786.15 Realty of wards, validity of the conveyance. Every deed, mortgage, lease or other conveyance made in good faith by the guardian of a minor or individual adjudicated incompetent person, pursuant to any order or judgment of a circuit court, made under the provisions of this chapter, shall be as valid and effectual as if made by the minor when of full age or by the incompetent person when of sound memory and understanding individual adjudicated incompetent before the adjudication.

SECTION 211. 786.16 of the statutes is amended to read:

786.16 Realty of wards; effect of sale; proceeds realty. No sale of the real estate of any minor or individual adjudicated incompetent person shall give to such the minor or incompetent person individual any other or greater interest or estate in the proceeds of such sale than the minor or incompetent person individual had in the estate so sold; but the said proceeds shall be deemed real estate of the same nature as the property sold.

Section 212. 786.17 (1) of the statutes is amended to read:

786.17 (1) The court shall make an order for the application and disposition of the proceeds of any such sale or mortgage, and of the income derived from the investment thereof and of the rent accruing upon any such lease, and direct the investment of any portion thereof belonging to the minor or individual adjudicated incompetent person which that is not needed for the payment of debts or the immediate support of the person individual and the person's individual's family, so as to secure the same for the benefit of the minor or incompetent person individual, and shall direct a return of the investment to be made on oath as soon as possible, and shall require accounts to be rendered periodically by any guardian or other person who may be entrusted with the disposition of the proceeds or the income thereof.

Section 213. 786.18 (1) of the statutes is amended to read:

786.18 (1) If the real estate or interest therein of any minor or any <u>individual</u> adjudicated incompetent person which that is directed to be sold is subject to an estate for life or for years in the whole or any part thereof the order for the sale may, in the discretion of the court or presiding judge, direct that such estate shall be sold, with the reversionary estate or interest of the minor or incompetent person individual.

Section 214. 786.19 of the statutes is amended to read:

786.19 Ward's particular estate, disposition. Where the interest of the minor or individual adjudicated incompetent person in real estate consists of an estate for life or for years the court or presiding judge may, by order, authorize the guardian to join with the person individual holding the reversionary estate in a conveyance of the property to which such interest attaches, so as to fully convey the particular estate, on receiving from the proceeds of the sale a gross sum in

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satisfaction of such estate or such proceeds or the proper portion thereof to be invested, and the interest thereon paid to the person individual having such the estate until the termination thereof; in either case the amount to be ascertained as prescribed in s. 786.18. When the proceeds or a proportionate part of such proceeds is received by the guardian for investment, the order of the court or presiding judge must provide for the investment thereof until termination of the particular estate, and then for the payment thereof to the person individual entitled thereto.

SECTION 215. 786.20 of the statutes is amended to read:

786.20 Minor, or incompetent, ward of the court. From the time of application on behalf of a minor or of an incompetent person having no guardian for the disposition of property, the minor or incompetent person shall be considered the ward of the court in which the application is made, so far as it relates to property, its proceeds and income.

Section 216. 786.21 of the statutes is amended to read:

786.21 Estate of <u>individual adjudicated</u> incompetent, management. The real estate of an <u>individual adjudicated</u> incompetent <u>person shall may</u> not be leased for more than 5 years, or mortgaged or disposed of otherwise than is authorized and directed by this chapter.

Section 217. 786.25 (1) of the statutes is amended to read:

786.25 (1) If a minor or <u>individual adjudicated</u> incompetent person residing outside this state owns any right, title, or interest in or to any real estate in this state and has a guardian or conservator who has been appointed in the state, territory ex, district, or country where he or she resides and no guardian appointed in this state, the foreign guardian or conservator may file a copy of the appointment, authenticated so as to make the same receivable in evidence, in the circuit court for

the county in which the real estate of the minor or <u>individual adjudicated</u> incompetent person is situated.

Section 218. 786.25 (2) of the statutes is amended to read:

786.25 (2) Upon filing of the appointment under sub. (1) and proper application, the foreign guardian or conservator may be licensed by the court or presiding judge to lease, mortgage, or sell the real estate of his or her ward in the county under sub. (1), or any portion thereof, or interest therein, in the same manner and upon the same terms and conditions and for the same purposes as prescribed in this chapter in the case of a guardian appointed in this state. The court, or the presiding judge thereof, may, upon the petition of such foreign guardian or conservator, appoint some suitable person residing in this state, special guardian of the minor or individual adjudicated incompetent person to make the lease, mortgage, or sale in the manner provided by this chapter.

Section 219. 786.25 (3) of the statutes is amended to read:

786.25 (3) In case a special guardian shall be appointed the moneys arising from such lease, mortgage or sale shall be paid out and disposed of or invested as may be directed by the court or judge appointing such special guardian. The duly authenticated copy of the appointment of any guardian or conservator appointed in any other state, district, territory, or country together with a duly authenticated copy of the appointment of the special guardian of such minor or individual adjudicated incompetent person, shall also be properly recorded and tract indexed at the ward's expense in the office of the register of deeds of the county in which such real estate is situated.

Section 220. 801.11 (2) (intro.) of the statutes is amended to read:

801.11 (2) Natural Person under disability. (intro.) Upon a natural person
under disability by serving the summons in any manner prescribed in sub. (1) upon
such the person under disability and, in addition, where required by par. (a) or (b),
upon a person therein designated. A minor 14 years of age or older who is not
mentally adjudicated incompetent and not otherwise under guardianship is not a
person under disability for purposes of this subsection.

SECTION 221. 801.11 (2) (b) of the statutes is amended to read:

801.11 (2) (b) Where the person under disability is known by the plaintiff to be under guardianship of any kind, a summons shall be served separately upon the guardian in any manner prescribed in sub. (1), (5) or (6). If no guardian has been appointed when service is made upon a person known to alleged by the plaintiff to be incompetent to have charge of the person's affairs, then service of the summons shall be made upon the guardian ad litem after appointment under s. 803.01.

SECTION 222. 802.10 (1) of the statutes is amended to read:

802.10 (1) APPLICATION. This section applies to all actions and special proceedings except appeals taken to circuit court; actions seeking the remedy available by certiorari, habeas corpus, mandamus, prohibition, and quo warranto; actions in which all defendants are in default; provisional remedies; and actions under ss. 49.90 and s. 66.0114 and chs. 48, 54, 102, 108, 227, 348, 767, 778, 799 and 812, and proceedings under chs. 851 to 882.

SECTION 223. 803.01 (3) (title) of the statutes is amended to read:

803.01 (3) (title) Infants Minors or individuals alleged or adjudicated incompetent persons.

SECTION 224. 803.01 (3) (a) of the statutes is amended to read:

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803.01 (3) (a) Appearance by guardian or guardian ad litem. If a party to an action or proceeding is a minor, or if the court has reason to believe that a party is mentally adjudicated incompetent or alleged to be incompetent to have charge of the party's affairs, the party shall appear by an attorney, by the general guardian of the party's property estate of the party who may appear by attorney, or by a guardian ad litem who may appear by an attorney. A guardian ad litem shall be appointed in all cases where in which the minor or individual alleged to be incompetent has no general guardian of property the estate, or where in which the general guardian fails to appear and act on behalf of the ward or individual adjudicated incompetent, or where in which the interest of the minor or individual adjudicated incompetent is adverse to that of the general guardian. Except as provided in s. 807.10, if the general guardian does appear and act and the interests of the general guardian are not adverse to the minor or individual adjudicated incompetent, a guardian ad litem shall may not be appointed. Except as provided in s. 879.23 (4), where if the interests of the minor or mentally individual alleged to be or adjudicated incompetent person are represented by an attorney of record, the court shall, except upon good cause stated in the record, appoint that attorney as the guardian ad litem.

Section 225. 803.01 (3) (b) 2. of the statutes is amended to read:

803.01 (3) (b) 2. When the plaintiff is a minor 14 years of age or over, upon the plaintiff's application or upon the state's application under s. 767.045 (1) (c); or if the plaintiff is under that age or is mentally adjudicated incompetent or alleged to be incompetent, upon application of the plaintiff's guardian or of a relative or friend or upon application of the state under s. 767.045 (1) (c). If the application is made by a relative, <u>a</u> friend, or the state, notice thereof must first be given to the guardian if the plaintiff has one in this state; if the plaintiff has none, then to the person with

whom the minor or mentally individual adjudicated incompetent resides or who has the minor or mentally individual adjudicated incompetent in custody.

Section 226. 803.01 (3) (b) 3. of the statutes is amended to read:

803.01 (3) (b) 3. When the defendant is a minor 14 years of age or over, upon the defendant's application made within 20 days after the service of the summons or other original process; if the defendant is under that age or neglects to so apply or is mentally adjudicated incompetent or alleged to be incompetent, then upon the court's own motion or upon the application of any other party or any relative or friend or the defendant's guardian upon such notice of the application as the court directs or approves.

Section 227. 803.01 (3) (b) 4. of the statutes is amended to read:

803.01 (3) (b) 4. If the appointment, for a plaintiff or a defendant, is after the commencement of the action, it shall be upon motion entitled in the action. If the appointment is for a plaintiff and is made before the action is begun, the petition for appointment shall be entitled in the name of the action proposed to be brought by the minor or individual adjudicated incompetent or alleged to be incompetent, and the appointment may be made before the summons is served. Upon the filing of a petition for appointment before summons, the clerk may impose the fee required for the commencement of an action, but in that event no additional commencement fee may be imposed when the summons is filed.

SECTION 228. 803.01 (3) (b) 5. of the statutes is amended to read:

803.01 (3) (b) 5. The motion or petition under subd. 4. shall state facts showing the need and authority for the appointment. The hearing on the motion or petition under subd. 4., if made by a minor or-mentally an individual adjudicated incompetent or alleged to be incompetent person for such person's the minor's or individual's

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guardian ad litem, may be held without notice and the appointment made by order. If the motion or petition is made for a minor or mentally an individual adjudicated incompetent or alleged to be incompetent who is an adverse party, the hearing shall be on notice. **Section 229.** 803.01 (3) (b) 6. of the statutes is amended to read: 803.01 (3) (b) 6. If a compromise or a settlement of an action or proceeding to which an unrepresented minor or mentally individual adjudicated incompetent or alleged to be incompetent person is a party is proposed, a guardian ad litem shall be appointed, upon petition in a special proceeding, to protect the interest of the minor or incompetent individual even though commencement of an action is not proposed. Any compromise or settlement shall be subject to s. 807.10. **SECTION 230.** 803.01 (3) (c) (title) of the statutes is amended to read: 803.01 (3) (c) (title) Procedure where minor or incompetent not represented for unrepresented person. **SECTION 231.** 803.01 (3) (c) 2. (intro.) of the statutes is amended to read: 803.01 (3) (c) 2. (intro.) If the court finds after the entry of judgment or final order that a person, who at the time of entry of judgment or final order was a minor or mentally an individual adjudicated or alleged to be incompetent, was not represented in the action or proceeding by an attorney of record or otherwise represented as provided in par. (a) the judgment or order shall be vacated on motion of: **Section 232.** 803.01 (3) (c) 2. a. of the statutes is amended to read: 803.01 (3) (c) 2. a. The minor or mentally individual adjudicated or alleged to be incompetent, for whom no appointment was made, at any time prior to the expiration of one year after the disability is removed; or

SECTION 233. 803.01 (3) (c) 2. b. of the statutes is amended to read:

803.01 (3) (c) 2. b. The personal representative of such the minor or mentally individual adjudicated or alleged to be incompetent at any time prior to the expiration of one year after the death of the minor or mentally incompetent individual.

Section 234. 803.10 (2) of the statutes is amended to read:

803.10 (2) INCOMPETENCY. If a party becomes is adjudicated incompetent, the court upon motion served as provided in sub. (1) may allow the action to be continued by or against the incompetent party's representative.

Section 235. 804.02 (1) (b) of the statutes is amended to read:

804.02 (1) (b) *Notice and service*. The petitioner shall thereafter serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will move the court, at a time and place named therein, for the order described in the petition. At least 20 days before the date of hearing the notice shall be served either within or without the state in the manner provided in s. 801.11 for service of summons; but if such service cannot with due diligence be made upon any expected adverse party named in the petition, the court may make such order as is just for service by publication or otherwise, and shall appoint, for persons not served in the manner provided in s. 801.11, an attorney who shall represent them, and, in case they are not otherwise represented, shall cross–examine the deponent. If any expected adverse party is a minor or is an individual adjudicated or alleged to be incompetent, s. 803.01 (3) applies.

Section 236. 806.04 (4) (intro.) of the statutes is amended to read:

806.04 (4) REPRESENTATIVES, ETC. (intro.) Any person interested as or through a personal representative, trustee, guardian, or other fiduciary, creditor, devisee,

legatee, heir, next of kin, or cestui que trust in the administration of a trust, or of the estate of a decedent, infant, mental individual adjudicated incompetent, or insolvent, may have a declaration of rights or legal relations in respect to the administration of the trust or estate for any of the following purposes:

Section 237. 807.10 (title) of the statutes is amended to read:

807.10 (title) Settlements in behalf of minors or individuals adjudicated incompetent; judgments.

Section 238. 807.10 (1) of the statutes is amended to read:

807.10 (1) A compromise or settlement of an action or proceeding to which a minor or mentally individual adjudicated incompetent person is a party may be made by the general guardian, if the guardian is represented by an attorney, or the guardian ad litem with the approval of the court in which such action or proceeding is pending.

Section 239. 807.10 (2) of the statutes is amended to read:

807.10 (2) A cause of action in favor of or against a minor or mentally individual adjudicated incompetent person may, without the commencement of an action thereon, be settled by the general guardian, if the guardian is represented by an attorney, with the approval of the court appointing the general guardian, or by the guardian ad litem with the approval of any court of record. An order approving a settlement or compromise under this subsection and directing the consummation thereof shall have the same force and effect as a judgment of the court.

Section 240. 807.10 (3) of the statutes is amended to read:

807.10 (3) If the amount awarded to a minor <u>or individual adjudicated</u> incompetent by judgment or by an order of the court approving a compromise settlement of a claim or cause of action of the minor <u>or individual</u> does not exceed

\$10,000 the amount specified under s. 867.03 (1g) (intro.), exclusive of interest and
costs and disbursements, and if there is no general guardian of the ward, the court
may upon application by the guardian ad litem after judgment, or in the order
approving settlement, fix and allow the expenses of the action, including attorney
fees and fees of guardian ad litem, authorize the payment of the total recovery to the
clerk of the court, authorize and direct the guardian ad litem upon the payment to
satisfy and discharge the judgment, or to execute releases to the parties entitled
thereto, and enter into a stipulation dismissing the action upon its merits. The order
shall also direct the clerk upon the payment to pay the costs and, disbursements, and
expenses of the action and to dispose of the balance in one of the manners a manner
provided in s. 880.04 (2) 54.12 (1), as selected by the court. The fee for the clerk's
services for handling, depositing, and disbursing funds under this subsection is
prescribed in s. 814.61 (12) (a).

SECTION 241. 807.13 (2) (intro.) of the statutes is amended to read:

807.13 (2) EVIDENTIARY HEARINGS. (intro.) In civil actions and proceedings, including those under chs. 48, 51, <u>54</u>, <u>and 55</u> and <u>880</u>, the court may admit oral testimony communicated to the court on the record by telephone or live audiovisual means, subject to cross-examination, when:

- **Section 242.** 808.075 (4) (f) (intro.) of the statutes is amended to read:
- 20 808.075 (4) (f) (intro.) In a case under ch. 880 54:
- **Section 243.** 808.075 (4) (f) 1. of the statutes is amended to read:
- 22 808.075 (4) (f) 1. Review a bond under s. 880.125, 880.13 or 880.60 (9) 54.46 (4) 23 or 54.852 (9).
 - **Section 244.** 808.075 (4) (f) 2. of the statutes is amended to read:

1	808.075 (4) (f) 2. Release of deposited funds under s. 880.13 (2) (b) 54.46 (4) (b)
2	<u>3.</u> .
3	Section 245. 808.075 (4) (f) 3. of the statutes is amended to read:
4	808.075 (4) (f) 3. Order for visitation under s. 880.155 54.56.
5	Section 246. 808.075 (4) (f) 4. of the statutes is amended to read:
6	808.075 (4) (f) 4. Appointment of successor guardian under s. 880.17 ± 0.01 (1).
7	Section 247. 808.075 (4) (f) 5. of the statutes is amended to read:
8	808.075 (4) (f) 5. Approval of guardian's exercise of marital property rights
9	under s. 880.173 <u>54.20 (2) (h)</u> .
10	Section 248. 808.075 (4) (f) 6. of the statutes is amended to read:
11	808.075 (4) (f) 6. Approval of management of property under s. 880.19 54.19
12	<u>or 54.20</u> .
13	Section 249. 808.075 (4) (f) 7. of the statutes is amended to read:
14	808.075 (4) (f) 7. Direction for use of estate for benefit of wards under s. 880.21
15	<u>54.19 (4)</u> .
16	Section 250. 808.075 (4) (f) 8. of the statutes is amended to read:
17	808.075 (4) (f) 8. Examination of annual accounts and assets under s. 880.25
18	ss. 54.62 and 54.66.
19	Section 251. 808.075 (4) (f) 9. of the statutes is amended to read:
20	808.075 (4) (f) 9. Removal of guardian under s. 880.251 54.68 (4) (d).
21	Section 252. 808.075 (4) (f) 11. of the statutes is amended to read:
22	808.075 (4) (f) 11. Termination of guardianship under s. 880.26 54.64.
23	Section 253. 808.075 (4) (f) 12. of the statutes is amended to read:
24	808.075 (4) (f) 12. Restoration of specific legal rights under s. 880.33 (3) 54.64
25	(2) (c).

1	Section 254. 808.075 (4) (f) 13. of the statutes is amended to read:
2	808.075 (4) (f) 13. Authorization of purchase of <u>a</u> home for <u>a</u> ward under s.
3	880.60 <u>54.852</u> (15) (a).
4	Section 255. 813.12 (5) (d) of the statutes is amended to read:
5	813.12 (5) (d) A petition may be prepared and filed by the person who alleges
6	that he or she has been the subject of domestic abuse or by the guardian, as defined
7	in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), adjudicated
8	incompetent in this state who has been the subject of domestic abuse.
9	Section 256. 813.123 (3) (b) 1. of the statutes is amended to read:
10	813.123 (3) (b) 1. That a guardian ad litem be appointed under s. 880.331 (1)
11	for the vulnerable adult.
12	Section 257. 814.61 (12) (a) 1. of the statutes is amended to read:
13	814.61 (12) (a) 1. For receiving a trust fund, or handling or depositing money
14	under s. 757.25_{7} or 807.10 (3) or 880.04 (2) (a), at the time the money is deposited with
15	the clerk, a fee of \$10 or 0.5% 0.5 percent of the amount deposited, whichever is
16	greater. In addition, a fee of \$10 shall be charged upon each withdrawal of any or
17	all of the money deposited with the clerk.
18	Section 258. 814.66 (1) (b) 2. of the statutes is amended to read:
19	814.66 (1) (b) 2. For filing a petition for guardianship of the estate under ch.
20	$880 \underline{54}$ or an application for conservatorship under ch. $880 \underline{\text{s.}} 54.76$, if the value of the
21	property, less encumbrances, liens or charges, is \$10,000 the amount specified under
22	s. 867.03 (1g) (intro.) or less, a fee of \$20 and, if more than \$10,000 the amount
23	specified under s. 867.03 (1g) (intro.), a fee of 0.2% 0.2 percent of the value of the
24	property, less encumbrances, liens or charges.
25	SECTION 259. 814.66 (1) (m) of the statutes is amended to read:

814.66 (1	l) (n	n) For filin	g a petition ur	der s. 880.1	55 <u> </u>	54.56	, whether i	in a
guardianship	or	temporary	guardianship	proceeding	or	to	commence	an
independent a	ction	n, \$60.						

Section 260. 814.66 (1) (n) of the statutes is created to read:

814.66 (1) (n) For depositing or disbursing money under s. 54.12 (1) (a), a fee of \$10 or 0.5 percent of the amount deposited, whichever is greater at the time the money is deposited with the register in probate, and a fee of \$10 whenever any withdrawal is made of the money deposited with the register in probate.

Section 261. 842.25 of the statutes is amended to read:

11. Share Share of individual adjudicated incompetent. The share of any ward shall be paid to the general guardian of the ward's estate of the ward, except under s. 54.12 (1) or s. 880.04 (2), 2003 stats.

Section 262. 851.72 (2) of the statutes is amended to read:

851.72 (2) Keep a court record of every proceeding in the court under chs. <u>54</u> and 851 to 880 <u>879</u> under its proper title, a brief statement of the nature of the proceeding and of all papers filed therein, with the date of filing and a reference to where minute records can be found or to the microfilm or optical disk or electronic file where papers have been stored so that the court record is a complete index or brief history of each proceeding from beginning to final disposition.

Section 263. 851.72 (3) of the statutes is amended to read:

851.72 (3) Keep a minute record and enter therein a brief statement of all proceedings of the court under chs. 54 and 851 to 880 879 during its sessions, all motions made and by whom, all orders granted in open court or otherwise, and the names of all witnesses sworn or examined. If this information is all included in the court record, the judge may direct that the minute record be no longer kept.

1	SECTION 264. 851.73 (1) (a) of the statutes is amended to read:
2	851.73 (1) (a) May make orders for hearings when the judge is away from the
3	county seat or unable to discharge duties or when given authority in writing by the
4	judge and an application is made to the court in a proceeding under chs. 54 and 851
5	to 880 879 requiring notice of hearing. The order and notice when signed "by the
6	court,, register in probate" has the same effect as if signed by the judge.
7	SECTION 265. 854.08 (5) (title) of the statutes is amended to read:
8	854.08 (5) (title) Sale or loss of property of an <u>individual adjudicated</u>
9	INCOMPETENT.
10	Section 266. 854.13 (2) (f) of the statutes is amended to read:
11	854.13 (2) (f) Disclaimer by guardian or conservator. A guardian of the estate
12	or a conservator appointed under ch. <u>54 or ch.</u> 880 <u>, 2003 stats.</u> , may disclaim on
13	behalf of his or her ward, with court approval, if the ward is entitled to disclaim under
14	this section.
15	SECTION 267. 854.17 of the statutes is amended to read:
16	854.17 Classification; how determined. In chs. 54 and 851 to 882,
17	classification of the property of a decedent spouse and surviving spouse is
18	determined under ch. 766.
19	SECTION 268. 857.15 of the statutes is amended to read:
20	857.15 When personal representative removed, resigns. The judge may
21	accept the written resignation of any personal representative. When a personal
22	representative becomes is adjudicated incompetent, disqualified, unsuitable,
23	incapable of discharging the personal representative's duties, or is a nonresident of
24	this state who has not appointed a resident agent to accept service of process in all

actions or proceedings with respect to the estate and caused such appointment to be

filed with the court, the court shall remove the personal representative. When any personal representative has failed to perform any duty imposed by law or by any lawful order of the court or has ceased to be a resident of the state, the court may remove the personal representative. When grounds for removal appear to exist, the court on its own motion or on the petition of any person interested shall order the personal representative to appear and show cause why the personal representative should not be removed.

Section 269. 860.13 of the statutes is amended to read:

860.13 Who not to be purchaser, mortgagee or lessee without court approval. The personal representative may not be interested as a purchaser, mortgagee, or lessee of any property in the estate unless the purchase, mortgage, or lease is made with the written consent of the persons interested and of the guardian ad litem for minors and incompetents individuals adjudicated incompetent or with the approval of the court after petition and hearing on notice given under s. 879.03 to all persons interested, or unless the will of the decedent specifically authorizes the personal representative to be interested as a purchaser, mortgagee, or lessee.

Section 270. 862.03 (title) of the statutes is amended to read:

862.03 (title) Account of incompetent, deceased or removed personal representative adjudicated incompetent, deceased, or removed.

Section 271. 862.03 (1) of the statutes is amended to read:

862.03 (1) Incompetent personal Personal Representative adjudicated incompetent, the incompetent in a personal representative is adjudged adjudicated incompetent, the account under s. 862.01 shall be filed by the personal representative's guardian, or, if the personal representative's guardian fails to file, then by the personal representative's bondsman. If neither the guardian nor the bondsman files an

account, the court shall appoint a special administrator to file the account of the incompetent personal representative who is adjudicated incompetent.

Section 272. 862.03 (4) of the statutes is amended to read:

862.03 (4) Payment for preparation. The person who prepares and files an account in accordance with this section shall be allowed the reasonable value of the person's services to be paid out of the estate, and the fees of the incompetent, deceased or removed personal representative who is adjudicated incompetent, deceased, or removed shall be reduced accordingly.

Section 273. 863.43 of the statutes is amended to read:

863.43 Distribution to ward; notice. At least 10 days prior to distribution of a share or legacy for the benefit of a minor or <u>individual adjudicated</u> incompetent for whom a guardian of the <u>minor's or incompetent's</u> estate has been appointed, the personal representative shall notify the court appointing the guardian of the estate, in writing, the total property to be distributed to the guardian of the estate for the benefit of the guardian's ward. An affidavit of mailing the notice shall be filed before making the distribution.

Section 274. 863.45 of the statutes is amended to read:

863.45 Receipts from guardians. If a distributee of an estate is a minor or an <u>individual adjudicated</u> incompetent and has within this state a guardian of his or her estate, the personal representative shall deliver the money or other property to the guardian <u>of the estate</u>, take a receipt from the guardian <u>of the estate</u>, and file the receipt with the court. The court shall transmit a certified copy of the receipt to the court which appointed the guardian <u>of the estate</u>.

Section 275. 865.02 (1) (b) 1. of the statutes is amended to read:

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865.02 (1) (b) 1. All interested persons request or consent in writing to informal administration and to the appointment of the same person as personal representative. A guardian or guardian ad litem may consent on behalf of an interested person who is a minor or is an individual adjudicated incompetent. The probate registrar may appoint a guardian ad litem, and shall have the authority, for such purpose, granted to the court by, and shall proceed pursuant to s. 879.23.

Section 276. 865.03 (1) of the statutes is amended to read:

865.03 (1) A formal proceeding in this chapter is a judicial proceeding before the court involving the administration of the estate of a decedent, including a court proceeding concerning the use or availability of this chapter. It is distinguished from an administrative proceeding before the probate registrar. Formal proceedings, either as to a particular issue or as to the entire subsequent administration of the estate, may be initiated by the personal representative or by any interested person at any time by a written demand therefor. Formal proceedings may be demanded by a guardian or guardian ad litem on behalf of an interested person who is a minor or otherwise is an individual adjudicated incompetent.

Section 277. 867.03 (1c) of the statutes is amended to read:

867.03 (**1c**) Definition. In this section, "guardian" has the meaning given in s. <u>54.01 (10) or s.</u> 880.01 (3), <u>2003 stats</u>.

Section 278. 878.07 (4) of the statutes is amended to read:

878.07 (4) Separate and joint actions; action by ward; accounting, when unnecessary. An action upon a bond by or in behalf of one person interested does not bar or in any way affect the right of any other person interested to maintain an action thereon, but separate actions or a joint action may be maintained thereon by or in behalf of any or all persons interested, but the action does not impair any other

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remedy of the ward. An accounting is not necessary before bringing an action against sureties when <u>if</u> the personal representative, special administrator, guardian, or trustee dies or, moves out of the state, or becomes <u>is adjudicated</u> incompetent.

Section 279. 879.09 of the statutes is amended to read:

879.09 Notice requirement satisfied by waiver of notice. Persons who are not minors or individuals adjudicated incompetent, on behalf of themselves, and appointed guardians ad litem and guardians of the estate on behalf of themselves and those whom they represent, may in writing waive the service of notice upon them and consent to the hearing of any matter without notice, except that guardians ad litem cannot waive the notice of a hearing to prove a will or for administration on behalf of those whom they represent. An attorney, or attorney—in—fact, for a person in the military service may waive notice on behalf of himself or herself but cannot waive notice on behalf of the person in the military service. Waiver of notice by any person is equivalent to timely service of notice.

Section 280. 879.11 of the statutes is amended to read:

879.11 Notice requirement satisfied by appearance. An appearance by a person who is not a minor or an individual adjudicated incompetent is equivalent to timely service of notice upon the person. An appearance by a guardian of the estate is equivalent to timely service of notice upon the guardian and upon the guardian's ward. An appearance by a guardian ad litem is equivalent to timely service of notice upon the guardian ad litem and except at a hearing to prove a will or for administration is equivalent to timely service of notice upon those whom the guardian ad litem represents. An appearance by an attorney, or an attorney—in—fact, for a person in the military service is equivalent to timely service of notice upon the

attorney or attorney—in—fact but does not satisfy a requirement for notice to the person in the military service.

Section 281. 879.13 of the statutes is amended to read:

879.13 Delayed service of notice. If for any reason notice to any person, including a minor or an individual adjudicated incompetent, is insufficient, the court may at any time order service of notice together with documents required under ss. 858.03 and 862.09 and, where required, appoint a guardian ad litem under s. 879.23 and require the person or the person's guardian ad litem to show cause why the person should not be bound by the action already taken in the proceedings as though the person had been timely served with notice. Such person may consent in writing to be bound.

Section 282. 879.15 (1) of the statutes is amended to read:

879.15 (1) A minor or <u>individual adjudicated</u> incompetent person shall appear by a guardian ad litem or by the guardian of his or her estate, who may appear by attorney, or by another person under the doctrine of virtual representation as provided in s. 879.23 (5);

Section 283. 879.19 of the statutes is amended to read:

879.19 Attorney, notice to. Except for a person in the military service, as provided in s. 879.09, if a person interested who is not a minor or an individual adjudicated incompetent has retained an attorney to represent him or her and the attorney has mailed a notice of retainer and request for service to the attorney for the personal representative and filed a copy with the court, any notice which that would be given to the person interested shall instead be given to the attorney, and the attorney may waive notice for the person interested under s. 879.09.

Section 284. 879.23 (1) of the statutes is amended to read:

879.23 (1) VIRTUAL REPRESENTATION. A guardian ad litem shall be appointed for any person interested who is a minor or an individual adjudicated incompetent and has no guardian of his or her estate, or where the guardian of the minor's or incompetent's individual's estate fails to appear on the minor's or incompetent's individual's behalf or where the interest of the minor or incompetent individual is adverse to that of the guardian of the minor's or incompetent's individual's estate. A guardian ad litem may be appointed for persons not in being or presently unascertainable. A guardian ad litem shall not be appointed or appear in the same matter for different persons whose interests are conflicting.

Section 285. 879.23 (4) (a) of the statutes is amended to read:

879.23 (4) (a) Except as provided in par. (b) or (c), the guardian ad litem appointed under this section shall be either an attorney admitted to practice in this state or a parent or child of the minor or <u>individual adjudicated</u> incompetent to be represented by the guardian ad litem. A parent or child of the person to be represented may be appointed the guardian ad litem under this section only if the court finds either that the prospective guardian ad litem is an attorney admitted to practice in this state or is otherwise suitably qualified to perform the functions of the guardian ad litem.

Section 286. 879.23 (4) (c) of the statutes is amended to read:

879.23 (4) (c) In matters relating to the probate of an estate in which an individual adjudicated incompetent has an interest that is unlikely to exceed \$1,000 in value, the guardian ad litem shall be a surviving parent, unless the court finds that no surviving parent is qualified and willing to serve as the guardian ad litem. If the court finds that no surviving parent is qualified and willing to serve, the guardian ad litem shall be an adult child of the incompetent individual, unless the court finds

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that no adult child of the incompetent individual is qualified and willing to serve as the guardian ad litem. If the court finds that neither a parent nor an adult child of the individual adjudicated incompetent is qualified and willing to serve as the guardian ad litem, the court shall appoint an attorney as provided in par. (a).

Section 287. 879.23 (5) of the statutes is amended to read:

879.23 (5) VIRTUAL REPRESENTATION. The court may dispense with or terminate the appointment of a guardian ad litem for an interested person who is a minor, an individual adjudicated incompetent, not in being, or presently unascertainable, if there is a living person, of full legal rights and capacity, who is a party to the proceeding and has a substantially identical interest in it.

SECTION 288. 879.26 of the statutes is amended to read:

879.26 Waiver of right to certain documents. Any person who is not a minor or an individual adjudicated incompetent may in writing waive the person's right to be given a statement that the inventory has been filed under s. 858.03 and a copy of accounts under s. 862.11.

Section 289. 879.27 (4) of the statutes is amended to read:

879.27 (4) Who may appeal on behalf of minor or <u>individual adjudicated</u> incompetent. In all cases the appeal on behalf of any minor or <u>individual adjudicated</u> incompetent person may be taken and prosecuted by the guardian of the minor's or <u>incompetent's</u> individual's estate or by a guardian ad litem.

Section 290. 879.27 (5) of the statutes is amended to read:

879.27 (5) LIMITATION ON BOND AND COSTS. On appeals from courts assigned to exercise probate jurisdiction to the court of appeals no bond may be required of, or costs awarded against, any alleged incompetent <u>individual</u> or person acting in behalf of an alleged incompetent <u>individual</u> on an appeal from an adjudication of

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incompetency, and no bond may be required of any personal representative, guardian, or trustee of a testamentary trust.

Section 291. 879.57 of the statutes is amended to read:

879.57 Special administrator; personal representative, guardian. If it is found by the court to be necessary to appoint a personal representative or guardian and there appears to be no person in the state to petition for the appointment or there appears to be no suitable person to be so appointed, the court shall, upon its own motion or upon the petition of any interested party, grant administration of an estate of a decedent or guardianship of the estate of a minor or incompetent person individual who is adjudicated incompetent to the interested party or a special administrator, and he or she shall thereupon take possession of the estate and protect and preserve it, and proceed with the administration and with the care and management of the estate. The authority of a special administrator in the administration or guardianship may be revoked at any time upon the appointment and qualification of a personal representative or guardian, or when for any other cause the court deems it just or expedient. Revocation of authority does not invalidate the special administrator's acts performed prior to revocation and does not impair the special administrator's rights to receive from the estate his or her legal charges and disbursements, to be determined by the court.

Section 292. Chapter 880 (title) of the statutes is repealed.

SECTION 293. Subchapter I (title) of chapter 880 [precedes 880.01] of the statutes is repealed.

Section 294. 880.01 (intro.) of the statutes is repealed.

SECTION 295. 880.01 (1) of the statutes is renumbered 54.01 (2) and amended to read:

54.01 (2) "Agency" means any public or private board, corporation, or association which, including a county department under s. 51.42 or 51.437, that is concerned with the specific needs and problems of mentally retarded, developmentally disabled, mentally ill, alcoholic, drug dependent and aging persons, including a county department under s. 51.42 or 51.437 individuals with developmental disability, mental illness, alcoholism, or drug dependency and of aging individuals.

SECTION 296. 880.01 (2) of the statutes is renumbered 54.01 (8) and amended to read:

54.01 (8) "Developmentally disabled person Developmental disability" means any individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition closely related to mental retardation or requiring treatment similar to that required for mentally retarded individuals with mental retardation, which has continued or can be expected to continue indefinitely, substantially impairs the an individual from adequately providing for his or her own care or custody, and constitutes a substantial handicap to the afflicted individual. The term does not include a person affected by senility which dementia that is primarily caused by the process of aging or the infirmities of aging degenerative brain disorder.

SECTION 297. 880.01 (3) of the statutes is renumbered 54.01 (10) and amended to read:

54.01 (10) "Guardian" means one a person appointed by a court <u>under s. 54.10</u> to have care, custody and control of the person of a minor or an incompetent or the management of the estate manage the income and assets and provide for the

1 essential requirements for health and safety and the personal needs of a minor, an 2 individual found incompetent, or a spendthrift. 3 **Section 298.** 880.01 (4) of the statutes is repealed. **Section 299.** 880.01 (5) of the statutes is repealed. 4 **Section 300.** 880.01 (6) of the statutes is repealed. 5 6 **Section 301.** 880.01 (7) of the statutes is renumbered 54.01 (20) and amended 7 to read: 8 54.01 (20) "Minor" means -a person an individual who has not attained the age of 18 years. 9 10 **Section 302.** 880.01 (7m) of the statutes is renumbered 55.14 (1) (b) and amended to read: 11 55.14 (1) (b) "Not competent to refuse psychotropic medication" means that, 12 13 because of chronic mental illness, as defined in s. 51.01 (3g) for an individual with developmental disability or as a result of degenerative brain disorder, serious and 14 15 persistent mental illness, or other like incapacities, and after the advantages and 16 disadvantages of and alternatives to accepting the particular psychotropic 17 medication have been explained to an individual, one of the following is true: 18 The individual is incapable of expressing an understanding of the 1. 19 advantages and disadvantages of accepting treatment and the alternatives to 20 accepting treatment. 21 2. The individual is substantially incapable of applying an understanding of 22 the advantages, disadvantages and alternatives to his or her chronic mental illness condition in order to make an informed choice as to whether to accept or refuse 23 24 psychotropic medication.